

MESSAGE NO: 7011219 MESSAGE DATE: 01/11/2007

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 0262208
MESSAGE #
(s):

CASE #(s): A-570-851

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/07/1998 TO 01/31/2000

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQ. INST. FOR CERTAIN PRESERVED MUSHROOMS FROM CHINA
PRODUCED/EXPORTED BY MEI WEI FOOD INDUSTRY CO., LTD. OR TAK FAT TRADING
CO. (A-570-851)

MESSAGE NO: 7011219

DATE: 01 11 2007

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 0262208

REFERENCE DATE: 09 18 2000

CASES: A - 570 - 851

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PERIOD COVERED: 05 07 1998 TO 01 31 2000

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQ. INST. FOR CERTAIN PRESERVED MUSHROOMS FROM CHINA
PRODUCED/EXPORTED BY MEI WEI FOOD INDUSTRY CO., LTD. OR
TAK FAT TRADING CO. (A-570-851)

1. ON 08/29/2006, THE COURT OF INTERNATIONAL TRADE DISMISSED TAK
FAT TRADING CO., ET. AL. V. UNITED STATES, COURT NO. 00-00416 ,
PURSUANT TO A VOLUNTARY STIPULATION FOR DISMISSAL BY ALL OF THE
PARTIES. AS A RESULT OF THIS DECISION, THE INJUNCTION TO WHICH
MESSAGE 0262208 DATED 09/18/2000 REFERS ENJOINING LIQUIDATION OF
ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON
CERTAIN PRESERVED MUSHROOMS FROM THE PEOPLE'S REPUBLIC OF CHINA
FOR THE PERIOD 05/07/1998 THROUGH 01/31/2000 PRODUCED/EXPORTED BY

MEI WEI FOOD INDUSTRY CO., LTD. OR TAK FAT TRADING CO. DISSOLVED
ON 08/29/2006.

2. FOR ALL SHIPMENTS OF CERTAIN PRESERVED MUSHROOMS FROM THE
PEOPLE'S REPUBLIC OF CHINA PRODUCED/EXPORTED BY MEI WEI FOOD
INDUSTRY CO., LTD. OR TAK FAT TRADING CO., IMPORTED BY ANY
IMPORTER, ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION

DURING THE PERIOD 05/07/1998 THROUGH 01/31/2000, ASSESS AN
ANTIDUMPING LIABILITY OF 198.63 PERCENT OF THE ENTERED VALUE.

3. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF
SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE
DURING THE PERIOD 05/07/1998 THROUGH 01/31/2000. YOU SHALL,
UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS
OF ESTIMATED ANTIDUMPING DUTIES FOR SUBSEQUENT ENTRIES OF THE
SUBJECT MERCHANDISE AT THE CURRENT RATES.

4. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER
PROTECTION ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE
PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION

778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS AND ASSESS
INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS
ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT
APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING
DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY
ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF
ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF
LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE
RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE
OF 1954 FOR SUCH PERIOD.

5. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE
THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED
IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS.
THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO

LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT RESPOND TO YOUR FORMAL REQUEST FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O4:KJ).

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party